

DMP:FJN/MTK/SKW
F. #2020R00610

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ **SEP 10 2020** ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

----- X

UNITED STATES OF AMERICA

- against -

SAM RESTO,

Defendant.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

Cr. No. **CR 20 350**

(T. 18, U.S.C., §§ 231(a)(3), 371,
844(f)(1), 844(i), 844(n), 982(a)(2),
982(b)(1) and 3551 et seq.; T. 21,
U.S.C., § 853(p))

GARAUFIS, J.

J. ORENSTEIN, M.J.

COUNT ONE
(Arson Conspiracy)

1. In or about July 2020, within the Eastern District of New York and elsewhere, the defendant SAM RESTO, together with others, did knowingly and intentionally conspire to:

(a) maliciously damage and destroy, by means of fire, a vehicle and other personal and real property, to wit, a New York City Police Department vehicle, in whole or in part owned and possessed by and leased to, an institution and organization receiving Federal financial assistance, to wit: the New York City Police Department and New York City government, contrary to Title 18, United States Code, Section 844(f)(1); and

(b) maliciously damage and destroy, by means of fire, a vehicle and other real and personal property used in interstate and foreign commerce and in an activity

affecting interstate and foreign commerce, to wit: a New York City Police Department vehicle, contrary to Title 18, United States Code, Section 844(i).

(Title 18, United States Code, Sections 844(n) and 3551 et seq.)

COUNT TWO
(Arson)

2. On or about and between July 28, 2020 and July 29, 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SAM RESTO did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a vehicle and other personal and real property, to wit: a New York City Police Department vehicle, in whole or in part owned and possessed by and leased to, an institution and organization receiving Federal financial assistance, to wit: the New York City Police Department and New York City government.

(Title 18, United States Code, Sections 844(f)(1) and 3551 et seq.)

COUNT THREE
(Arson)

3. On or about and between July 28, 2020 and July 29, 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SAM RESTO did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a vehicle and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit: a New York City Police Department vehicle.

(Title 18, United States Code, Sections 844(i) and 3551 et seq.)

COUNT FOUR
(Conspiracy to Commit Civil Disorder)

4. In or about July 2020, within the Eastern District of New York and elsewhere, the defendant SAM RESTO, together with others, did knowingly and willfully conspire to obstruct, impede and interfere with any law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function, contrary to Title 18, United States Code, Section 238(a)(3).

5. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendant SAM RESTO, together with others, did commit and cause the commission of, among others the following:

OVERT ACTS

(a) On or about July 28, 2020, RESTO discussed with a co-conspirator burning a New York City Police Department vehicle.

(b) On or about July 28, 2020, in Elmhurst, New York, RESTO purchased gasoline to burn a New York City Police Department vehicle.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT FIVE
(Civil Disorder)

6. On or about and between July 28, 2020 and July 29, 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SAM RESTO committed and attempted to commit acts to obstruct, impede and

interfere with any law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Title 18, United States Code, Sections 231(a)(3) and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE, TWO AND THREE**

7. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One, Two and Three, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2), which requires any person convicted of such offenses, to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any

other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON



SETH D. DUCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

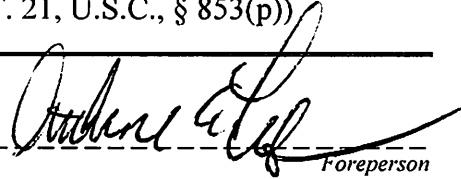
SAM RESTO,

Defendant.

INDICTMENT

(T. 18, U.S.C, §§ 231(a)(3), 371, 844(f)(1), 844(i), 844(n), 982(a)(2),
982(b)(1) and 3551 et seq. T. 21, U.S.C., § 853(p))

A true bill.


Foreperson

Filed in open court this _____ day.

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Francisco J. Navarro, Michael T. Keilty and Sara K. Winik, Assistant U.S. Attorneys (718) 254-7000